

## A RESOLUTION

07-R - \_\_\_\_\_

## BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS IN THE CASE OF *JONATHAN TABB v. MARK A. VEAZEY, et al.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, CIVIL ACTION FILE NO. 1:05-CV-1642-GET, IN THE AMOUNT OF \$25,000.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 1A01 (GENERAL FUND), ACCOUNT 529017 (PROPERTY LIQUIDATION) AND CENTER NUMBER T31001 (NON-DEPARTMENTAL); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, *Jonathan Tabb v. Mark A. Veazey, et al.* is a case in which the Plaintiff, Jonathan Tabb, is suing for personal injuries received when he was struck by an by former Atlanta Police Officer Mark A. Veazey, for assault and battery, intentional infliction of emotional distress and for deprivation of his constitutionally protected rights; and

WHEREAS, Plaintiff has alleged that he was arrested without probable cause following his encounter with Officer Veazey, and that he was deprived of his rights secured by the United States Constitution; and

WHEREAS, Plaintiff, as a result of being struck by Officer Veazey, suffered injury to his jaw, resulting in surgery in order to repair the injury; and

WHEREAS, the parties have engaged in extensive discovery, as a result of which it was determined that Plaintiff had a zygomatic fracture in his face requiring reconstructive surgery; and

WHEREAS, the Plaintiff is willing to settle all claims against former Officer Mark A. Veazey and The City of Atlanta in this case for twenty-five thousand dollars (\$25,000.000) an amount that includes all costs and attorney's fees, including a dismissal with prejudice as to all claims against former Officer Veazey; and

WHEREAS, the City Attorney recommends this settlement because it is in the best interests of the City;

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:**


**SECTION 1.** That the City Attorney is hereby authorized to conclude the settlement of all claims of Jonathan Tabb against Mark A. Veazey as set forth in Civil Action File No. 1:05-CV-1642-GET, in the United States District Court for the Northern District of Georgia, Atlanta Division, for the aggregate amount of twenty-five thousand dollars (\$25,000.000), including execution of settlement documents;

**SECTION 2.** That the Chief Financial Officer is authorized to pay to Jonathan Tabb and his attorney Earline Smith-Montgomery, the total sum of \$25,000.00, which shall be paid from **Fund 1A01 (General Fund), Account 529017 (Property Liquidation) and Center Number T31001 (Non Departmental).**

and accept APD's report on the jaywalking arrest," Isom said.

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